

RANDY SUE POLLOCK  
Attorney at Law (CSBN 64473)  
2831 Telegraph Avenue  
Oakland, CA 94609  
San Francisco, CA 94109  
Telephone: (510) 763-9967  
Facsimile: (510) 272-0711

Attorney for Defendant  
**FAUSTINO AGUAYO**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

—000—

UNITED STATES OF AMERICA,  
Plaintiff

CR. 05-118-MMC

VS.

FAUSTINO AGUAYO, et al..

**STIPULATION TO CONTINUE  
STATUS CONFERENCE; ORDER  
THEREON**

## Defendants

1

Defendant FAUSTINO AGUAYO, by and through his counsel of record Randy Sue Pollock, and Assistant U.S. Attorney David Hall hereby stipulate and agree that the status conference presently set for Wednesday, December 7, 2005, be continued until February 22, 2006.

Ms. Pollock has spoken to Steve Teich, counsel for Jose Isais-Cabrera, who is charged in a related prosecution that is pending before the Honorable Marilyn H. Patel. Mr. Teich intends to file a Confidential Informant Motion in January 2006, the results of which would be of assistance to Mr. Aguayo in this prosecution. If the motion is granted by Judge Patel, AUSA Hall has no objection to providing counsel in this case with the discovery. The matter before Judge Patel will not be heard until early February 2006.

1 Ms. Pollock has advised all counsel in this case, including AUSA David Hall, of the  
2 requested continuance and none have objected.

3 The time period from December 7, 2005 through February 22, 2006 would be  
4 deemed excludable pursuant to 18 U.S.C. Section 3161(h)(8)(A), given that the ends of  
5 justice served by granting a continuance outweigh the best interests of the public and of  
6 the defendant in a speedy trial. Additionally, pursuant to 18 U.S.C. Section  
7 3161(h)(8)(B)(ii) given the nature of the prosecution, the volume of the evidence, the fact  
8 that wiretaps were involved as well as pending motions in a related case, it is  
9 unreasonable to expect adequate preparation for pretrial proceedings and for the trial  
10 within the time limits established by the Speedy Trial Act.

11

12 Dated: December 5, 2005 (S) Randy Sue Pollock  
13 RANDY SUE POLLOCK  
14 Counsel for Defendant  
15 FAUSTINO AGUAYO  
16 On Behalf Of All Defendants

17 Dated: December 5, 2005 (S) David Hall  
18 DAVID HALL  
19 Assistant United States Attorney

20 SO ORDERED: December 6, 2005  
21   
22 MAXINE M. CHESNEY  
23 United States District Court Judge